UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,656	09/28/2001	Takashi Kise	35.C15844	3590

5514 7590 10/04/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
MENBERU, BENIYAM	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/964,656	KISE, TAKASHI	
	Examiner	Art Unit	
	Beniyam Menberu	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *June 28, 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☒ Claim(s) *22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see 13-16, filed June 28, 2005, with respect to the rejection(s) of claim(s) 1, 7, 11, 17, and 23 under U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 5920405 to McIntyre et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6519053 to Motamed et al for claims 1, 2, 4, 7, 8, 11, 12, 14, 17, 18, 20, 23, 24, and 26 and U.S. Patent No. 5987225 to Okano for claims 3, 13, 19, and 25.

Claim Objections

2. Claim 22 is objected to because of the following informalities:

Claim 22 is labeled Currently Amended but there is no change in claim 22.

On line 3, "to which said the job" is grammatically incorrect.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 4, 7, 8, 11, 12, 14, 17, 18, 20, 23, 24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 6519053 to Motamed et al.

Regarding claims 1, 7, 11, 17, and 23, Ohno discloses a controller/method/program (column 8, lines 1-5) which can communicate with a plurality of image forming apparatuses and transmit to one of the plurality of image forming apparatuses data for performing calibration of the image forming apparatus (column 5, lines 1-12; column 12, lines 30-33), comprising:
a memory unit adapted to store information showing that the calibration of one of the plurality of image forming apparatuses is being executed (column 9, lines 10-20).

However Ohno does not disclose a job managing unit adapted to assign a job assigned to the one of the plurality of image forming apparatuses whose calibration is being executed to another of the plurality of image forming apparatuses.

Motamed et al disclose job managing unit adapted to assign a job assigned to the one of the plurality of image forming apparatuses whose calibration is being executed to another of the plurality of image forming apparatuses (column 4, lines 53-65).

Ohno and Motamed et al are combinable because they are in the similar problem area of printing system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the job assignment of Motamed et al with the calibration system of Ohno to implement job transfer during calibration.

The motivation to combine the reference is clear because transferring print jobs to another printer is necessary when a printer in a network is busy.

Regarding claims 2, 12, 18, and 24, Ohno in view of Motamed et al teach all the limitations of claims 1, 11, and 17 respectively. Further Motamed et al disclose a controller, method, and program, wherein each of the plurality of image forming apparatuses is a printer (column 4, lines 53-65), and said job managing unit assigns a job for instructing to print which was assigned to one of the plurality of printers whose calibration is being executed to another of the plurality of printers (column 4, lines 53-65).

Regarding claims 4, 8, 14, 20, and 26, Ohno in view of Motamed et al teach all the limitations of claims 1, 7, 11, 17, and 23 respectively. Further Ohno discloses a controller, method/program, wherein the calibration is a process for stabilizing an output density fluctuation due to a difference among the plurality of image forming apparatuses or due to an environmental change in temperature or humidity (Ohno: column 11, lines 43-50).

5. Claims 3, 13, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 6519053 to Motamed et al further in view of U.S. Patent No. 5987225 to Okano.

Regarding claims 3, 13, 19, and 25, Ohno in view of Motamed et al teach all the limitations of claims 1, 11, 17, and 23 respectively. However Ohno in view of Motamed et al does not disclose a controller and method/program, wherein each of the plurality of image forming apparatuses is a copier having a function for reading an image, and said job managing unit assigns a job for instructing to print and a job for instructing to read the image which were assigned to one of the plurality of copiers whose calibration is being executed to another of the plurality of copiers.

Okano discloses a controller according to claim 1, wherein each of the plurality of image forming apparatuses is a copier having a function for reading an image (column 10, lines 20-40), and said job managing unit assigns a job for instructing to print and a job for instructing to read the image which were assigned to one of the plurality of copiers whose calibration is being executed to another of the plurality of copiers (column 33, lines 34-67; column 34, lines 1-28).

Ohno, Motamed et al, and Okano are combinable because they are in the similar problem area of printing system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the job assignment of Okano with the calibration system of Ohno in view of Motamed et al to implement job transfer during calibration.

The motivation to combine the reference is clear because transferring copy jobs to another copier is necessary when a copier in a network is busy.

6. Claims 5, 9, 15, 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 6519053 to Motamed et al further in view of U.S. Patent No. 6048117 to Banton.

Regarding claims 5, 15, 21, and 27, Ohno in view of Motamed et al teach all the limitations of claims 1, 11, 17, and 23 respectively. However Ohno in view of Motamed et al does not disclose a controller and method/program, further comprising a control unit adapted to output print data for performing the calibration of the image forming apparatus to the image forming apparatus, calculate calibration data from a measurement result of a printed matter, and output print data indicative of the calculated calibration data to the image forming apparatus.

Banton discloses a controller, further comprising a control unit adapted to output print data for performing the calibration of the image forming apparatus to the image forming apparatus, calculate calibration data from a measurement result of a printed matter, and output print data indicative of the calculated calibration data to the image forming apparatus (column 4, lines 6-15, lines 30-45).

Ohno, Motamed et al, and Banton are combinable because they are in the similar problem area of printing system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the calibration data calculation of Banton with the print

calibration system of Ohno in view of Motamed et al to implement print calibration calculation external to the printer.

The motivation to combine the reference is clear because Banton teaches that the system can be used to interpret printed matter so as to recalibrate the printer (column 2, lines 35-48).

Regarding claim 9, Ohno in view of Motamed et al teach all the limitations of claim 7. Further Banton discloses a system, wherein said controller further has a control unit adapted to output print data for performing the calibration of the image forming apparatus to the image forming apparatus, calculate calibration data from a measurement result of a printed matter, and output print data indicative of the calculated calibration data to the image forming apparatus, and wherein said image forming apparatus has a printing unit adapted to print on the basis of the print data for executing the calibration (Banton: column 4, lines 6-15, lines 30-45).

7. Claims 6, 10, 16, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5933676 to Ohno in view of U.S. Patent No. 6519053 to Motamed et al further in view of U.S. Patent No. 5802260 to Shimakawa et al.

Regarding claims 6, 10, 16, 22, and 28, Ohno in view of Motamed et al teach all the limitations of claims 1, 7, 11, 17, and 23 respectively. However Ohno in view of Motamed et al does not disclose a controller/method/program, wherein said memory unit stores a job and an identifier indicative of the image forming apparatus to which

said the job has been assigned so as to correspond to each other, and wherein said job managing unit changes the identifier corresponding to the job assigned to the image forming apparatus whose calibration is being executed to an identifier of another image forming apparatus.

Shimakawa et al disclose a controller, wherein said memory unit stores a job and an identifier indicative of the image forming apparatus to which said the job has been assigned so as to correspond to each other(column 4, lines 22-25; column 5, lines 55-62), and wherein said job managing unit changes the identifier corresponding to the job assigned to the image forming apparatus whose calibration is being executed to an identifier of another image forming apparatus (column 9, lines 20-30).

Ohno, Motamed et al, and Shimakawa et al are combinable because they are in the similar problem area of print systems.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the job identifying system of Shimakawa et al with the system of Ohno in view of Motamed et al to implement print job identification and transferring of identification.

The motivation to combine the reference is clear because when there are multiple printers print jobs have to include data corresponding to the selected printer and capability for adjusting the selected printer identification in case of a transfer.

Other Prior Art Cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6412022 to Kumpf et al disclose print/scan network.

U.S. Patent No. 5815764 to Tomory disclose document job routing system.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

09/28/2005

KA Williams

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER